

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----X

JANETT GOMEZ,

Plaintiff,

Civ. No. 04-10866 GAO

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant.

-----X

JOINT STATEMENT REGARDING PRETRIAL MATTERS

Pursuant to Local Rule 16.1, Plaintiff, JANETT GOMEZ, and defendant, METROPOLITAN LIFE INSURANCE COMPANY (“MetLife”) file this Joint Statement Regarding Pretrial Matters. This matter involves the review of a denial of benefits under an ERISA-covered employee benefit plan.

Proposed Scheduling Order

It is the parties’ position that automatic disclosures are not required in this case, because this case is in the nature of “an action for review on an administrative record,” which is exempt from initial disclosure requirements. *See* Fed. R. Civ. P. 26(a)(1)(E)(i). On or before March 7, 2005, Metropolitan Life Insurance Company will produce to the plaintiff a copy of its claim file and the applicable plan document. Each party shall also have the right to serve on the other party on or before April 7, 2005, a request for production of documents, the responses to which will conform to Fed.R.Civ.P. 34. If any party seeks additional discovery or an evidentiary hearing, it must file a motion for such on or before May 22, 2005.

On or before June 13, 2005, both parties shall file with the Court their Cross-Motions for Judgment on the Administrative Record. If, it appears that any motion for discovery

or request for an evidentiary hearing will remain undecided by June 13, 2005, either party may move for an appropriate adjustment to the schedule for filing Cross-Motions for Judgment.

On or before July 11, 2005, the parties shall file their respective oppositions to Cross-Motions for Judgment.

Oral argument on the parties' Cross-Motions to be scheduled by the Court.

Additional Matters

The parties certifications pursuant to Local Rule 16.1(D)(3) will be filed under separate cover.

The parties do not agree to have this matter heard by a Magistrate Judge.

Dated: Haverhill, MA
February 7, 2005

Respectfully submitted,

PLAINTIFF
By her attorney,

LAW OFFICE OF
STEPHEN L. RAYMOND, ESQ.

By: /s/ Stephen L. Raymond
Stephen L. Raymond
3 Washington Square, Ste. 206
Haverhill, MA 01830
(978) 372-6590
BBO #567753

Defendant,
Metropolitan Life Insurance Company

By: /s/ James F. Kavanaugh, Jr.
James F. Kavanaugh, Jr. BBO#262360
CONN KAVANAUGH ROSENTHAL PEISCH
& FORD, LLP
Ten Post Office Square
Boston, MA 02109
(617) 482-8200